

PATENT  
Attorney Docket No. P01936US06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of: MARSHALL, William E.  
For: OLIGORIBONUCLEOTIDES ALERT THE IMMUNE SYSTEM OF ANIMALS TO THE  
IMMINENCE OF MICROBIAL INFECTION,

the specification of which is being transmitted herewith.

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached are Forms PTO/SB/08A and 08B (formerly Form PTO-1449) listing the relevant art known to the applicant herein. The Examiner is requested to consider the references and make them of record. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 09/883,550, filed on June 18, 2001. Each of the references listed on Forms PTO/SB08A and 08B were submitted to, and/or cited by, the Patent Office in the prior application(s) and, therefore, are not required to be provided in this application:

Applicant discloses herewith patents, publications or other information, of which he is aware that he believes may be material to the examination of this application, and in respect of which, there may be a duty to disclose. Legible copies of all items listed in Forms PTO/SB/08A

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box NEW APP - FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 15 day of March, 2004.

  
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and 08B (formerly Form PTO-1449) accompany this information statement, except those identified above.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

Respectfully submitted,



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- mlw -

Attorneys of Record

## (Information Disclosure Statement - Section 2. FORM PTO - 1449 (Modified)

Sheet 1 of 4

## Section 2. Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. P01936US5	SERIAL NO. cont. of 08/739,264
	APPLICANT William E. Marshall et al	
	FILING DATE June 18, 2001	GROUP 1643

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
(Use several sheets if necessary)  
(37 CFR 1.98(b))

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,413,785	05/95	NAJI	424	93.45	8/94
	4,314,995	02/82	HATA	424	93	
	4,975,467	12/90	KU ET AL			
	4,849,506	07/89	RANSOM ET AL			
	5,082,657	01/92	RANSOM			
	5,055,447	10/91	PALLADINO ET AL			
	5,041,427	08/91	TAKAYAMA ET AL			
	5,158,939	10/92	TAKAYAMA ET AL			
	5,157,039	10/92	NIELSEN ET AL			
	5,082,838	01/92	NAKA ET AL			
	5,151,498	09/92	BUESCHER ET AL			
	4,347,240	08/82	MUTAI ET AL			
	5,840,318	11/98	MARSHALL			

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES	NO
		1,298,556	04/07/92	CANADA				
		EP 0 416 892 A1	03/13/91	EUROPEAN PATENT AP				

## OTHER DOCUMENTS (Including Author, Title, Date\*\*, Relevant Pages, Place of Publication\*\*\*)

		Brain, Ch. 14, <u>Handbook of Physiology – The Respiratory System I (1985)</u>
		<u>Kinoshita et al., Int. J. Immunopharmac. 14(2):205-211 (1992)</u>
		<u>Raybourne, et al., Infect. and Immun. 62:665-672 (Feb. 1994)</u>
		<u>Simpson et al., Crit. Care Med., 19:1060-1066 (1991)</u>
		<u>Perkins et al., Am. J. Resp. Cell Biol., 4:532 (1991)</u>
		<u>Kato et al., Microbiol. Immunol, 27(7):611-618 (1983)</u>
		<u>Gold et al., Infect. &amp; Immun. 49:731-741 (September 1985)</u>
		<u>Archer et al., U.K. Biochem Soc. Trans. 19:404S (July 1991)</u>
		<u>Kantengwa et al., Infect. &amp; Immun., 61:1281-1287 (April 1993)</u>
		<u>Agace et al., Infect. &amp; Immun., 61:602-609 (February 1993)</u>

EXAMINER \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Information Disclosure Statement - Section 2. FORM PTO - 1449 (Modified)  
 Sheet 2 of 4

Section 2. Form PTO - 1449 (Modified)

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE        (Modified) PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE        STATEMENT BY APPLICANT</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR 1.98(b))</small>	ATTY. DOCKET NO.	
	08/739,264	
	APPLICANT William E. Marshall et al	
<b>FILING DATE</b> October 29, 1996	GROUP	
	1804	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,953,609	04/76	FARR			
	4,314,995	02/82	HATA ET AL			
	4,579,734	04/86	HATA ET AL			
	3,984,575	10/76	FARR			
	3,820,130	05/67	HENRY			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES	NO

OTHER DOCUMENTS (Including Author, Title, Date\*\*, Relevant Pages, Place of Publication\*\*\*)

		Popova et al <u>Inf. &amp; Immunopharm.</u> , 15(1):25-37 (1993)
		Kineshita et al <u>Inf. &amp; Immunopharm.</u> , 14(2):205-211 (Feb. 1992)
		Perdigon et al <u>J. of Food Protection</u> , 19(12):986-989 (Dec. 1986)
		Perdigon et al <u>J. of Dairy Sci.</u> , 70(6):919-926 (1986)
		Kuwabara et al ... <u>Vet. Sci.</u> , 50(3):665-672 (1988)
		Perdigon et al <u>Infect. and Immunity</u> , 53(2):404-410 (1986)
		Kato et al., <u>Microbiol. Immunol.</u> , 27:611-618 (May 1983)
		Mitsuoka, <u>J. Indus. Micro.</u> , 6:263-268 (1990)
		DeSimone et al., <u>Immunopharm. &amp; Immunotox.</u> , 14:331-340 (1992)
		Perdigon et al., <u>J. Food Protection</u> , 53:404-410 (May 1990)
		Perdigon et al., <u>Immunology</u> , 63:17-23 (1988)
		Perdigon et al., <u>J. Dairy Res.</u> , 57:255-264 (1990)

EXAMINER DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered.  
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(Information Disclosure Statement - Section 2. FORM PTO - 1449 (Modified)  
 Sheet 3 of 4

Section 2. Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) (87 CFR 1.98(b))	ATTY. DOCKET NO.		SERIAL NO.	
			08/739,264	
	APPLICANT		William E. Marshall et al	
	FILING DATE	October 29, 1996		GROUP 1804

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date\*\*, Relevant Pages, Place of Publication\*\*\*)

		Guencheva et al <u>Inf &amp; Immuno.</u> 14(8):1429-1436 (1992)
		Lidbeck et al <u>Human Health: The Contribution of Microorganisms</u> et. Saw Gibson, Springer Valae, New York, Chap. 6, pp 95-110 (1994)
		Lidbeck et al <u>Scand. To Infect Dis.</u> , 19:531-537 (1987)
		Lidbeck et al <u>J. of Conv. Prev.</u> , 1:341-353 (1992)
		Lessard <u>Can J. Anim. Sci.</u> , 67:509-516 (june 1987)
		Hack et al <u>Infect. &amp; Immun.</u> 60:2835-2842 (July 1992)
		Perdigon et al, <u>J. Dairy Res.</u> 57:255-264 (1990)
		DeSimone et al, <u>Dietetics in the 90's, Role of the Dietician/Nutritionist</u> , pp. 177-180 (1988)
		Zeigler-Heitbrock, et al, <u>Int. J. Cancer</u> , 41:456-461 (1988)
		Bergy's <u>Manual of Systematic Bacteriology</u> 2, 2:1208-1234, Williams & Wilkins, Baltimore, MD (1986)
		Schleifer, et al., <u>Bacter. Rev.</u> 36:407, Fig. 9 (1972)

EXAMINER

DATE CONSIDERED

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**Section 2. Form PTO - 1449 (Modified)**

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use several sheets if necessary)</i> <i>(37 CFR 1.98(b))</i>	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b> <b>08/739,264</b>
	<b>APPLICANT</b> <b>William E. Marshall et al.</b>	
	<b>FILING DATE</b> <b>October 29, 1996</b>	<b>GROUP</b> <b>1804</b>

**U.S. PATENT DOCUMENTS**

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

		DOCUMENT NUMBER	PUBLI-CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES <input type="checkbox"/> NO <input type="checkbox"/>

**OTHER DOCUMENTS (Including Author, Title, Date\*\*, Relevant Pages, Place of Publication\*\*\*\*)**

		<b>Dibb et al, Infect. &amp; Immun. 60:3052-3058 (August 1992)</b>
		<b>Steinshamn et al., Infect. &amp; Immun., 60:4003-4008 (October 1992)</b>
		<b>Tuomanen et al., J. Infect. Dis. 151:859-868 (May 1985)</b>
		<b>Riesenfeld-Orn et al. Infect. &amp; Immun., 57:1890-1893 (July 1989)</b>
		<b>Bhakdi et al., Infect. &amp; Immun., 59:4614-4620 (December 1991)</b>

**EXAMINER**

**DATE CONSIDERED**

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